

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | | |
|--|---|---|-----------------------|
| Applicant's or agent's file reference 30A-93 013 | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/EP2004/003363 | International filing date (day/month/year) 30.03.2004 | Priority date (day/month/year) 15.04.2003 | |
| International Patent Classification (IPC) or national classification and IPC | | | |
| <p>Applicant VOLLMER WERKE MASCHINENFABRIK GMBH</p> | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 3 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | |

| | |
|---|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003363

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished
 the description:

pages 1-10 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-16 received by this Authority on 04.11.2004 with letter

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/4-4/4 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/003363Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-16</u> | YES |
| | Claims _____ | NO |
| Inventive step (IS) | Claims _____ | YES |
| | Claims <u>1-16</u> | NO |
| Industrial applicability (IA) | Claims <u>1-16</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: US-A-2 380 381 (BAKER CALVIN A), 31 July 1945
(1945-07-31)

D2: US-A-3 108 412 (BENJAMIN MILTON L ET AL), 29
October 1963 (1963-10-29)

D3: DE 34 09 638 A (KARSTENS GEORG MESSGERAETE), 19
September 1985 (1985-09-19)

D4: US-A-4 398 579 (HOLDAHL ROBERT A ET AL), 16 August
1983 (1983-08-16)

D5: FR-A-2 169 527 (UNELEC), 7 September 1973 (1973-
09-07)

D6: US-A-5 135 810 (SMITH ROLAND C ET AL), 4 August
1992 (1992-08-04)

2. INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)).

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/003363

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2.2 Document D1 discloses (the references in parentheses are to that document):

a device for clamping a workpiece (13) on a rotatable longitudinal axis, the device having:

a clamping mandrel (10), a steady rest (11) and a dog (14), at least the mandrel (10) being rotatably mounted about the longitudinal axis (A) and the dog being fixed to the mandrel (10), it being possible to bring the dog into engagement with the workpiece (13) when the workpiece (13) is clamped between the mandrel (10) and the steady rest (11) in such a way that the dog transmits a rotary movement of the mandrel (10) to the workpiece (13). The dog comprises a spring element (20, 23) which, when it is pre-tensioned, engages the workpiece (13) or can be brought into engagement with the latter.

Observation:

Document D1 states on page 1, lines 9-28, that the dog is supported on the workpiece during machining, and hence pre-tensioned. The use of springs of different strengths is provided in order to adapt the tensioning force.

2.3 The subject matter of claim 1 therefore differs from the known device by an adapter element to be fixed to the workpiece and which interacts with the mandrel in order to clamp the workpiece, the spring element engaging the adapter element

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

instead of engaging the workpiece directly.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

- 2.4 The present invention can therefore be considered to address the problem of permitting the quick attachment of workpieces of different geometries.
- 2.5 The solution to this problem, as proposed in claim 1 of the present application, does not involve an inventive step (PCT Article 33(3)) for the following reasons:

Document D3 (see the diagram in figure 3 and page 15, lines 9-18) shows the use of a dog which rotates a workpiece clamped between two points by means of an adapter element, and describes the same advantages of the feature "adapter element" as the present application. A person skilled in the art would therefore consider the inclusion of this feature in the device described in D1 a conventional measure for solving the stated problem.

3. DEPENDENT CLAIMS 2-16

In view of documents D1-D6, claims 2-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty or inventive step requirements.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003363

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3.1 Document D1 already discloses the subject matter of claims 2-7 and 10-14, or these claims relate to constructional measures which are familiar to a person skilled in the art (PCT Article 33(2) and 33(3)).

3.2 Claims 8-10 relate to a well known alternative spring-mount of the engagement element (see document D2).

The arrangement of an adapter having an engagement groove and a gripping slot to ensure automated transport, as defined in claims 15 and 16, is a conventional measure that falls within the scope of normal trade practice (see, for example, document D3).

A person skilled in the art would therefore readily consider the inclusion of the features of claims 8-10, 15 and 16 in the device described in document D1, without thereby being inventive (PCT Article 33(3)).